

Introductory remarks.

We have enclosed a request for extension of time, a fee in support thereof. Also we enclose a substitute page 2, including corrections to respond to the examiner's concerns on page 2 of the recent action as to what is indicated by numeral 8 and numeral 12 in the drawings. It is not believed that a drawing correction is needed at this time and this possibility (drawing not needed) is suggested by the examiner's comments in that section. We also enclose a corrected sheet showing the old page 2, with those changes by means of [] and --.

We have changed the term: "bristles" to --tufts-- in the substitute page as this seems more appropriate. It is obvious from the drawings there are smaller members (bristles) that form the larger tufts that are the working members of the brush. The examiner's comments on page 4 make it clear that each tuft contains more than one bristle. Further we agree with the examiner's conclusion in the middle of page 4, that it is inappropriate to make reference to "one bristle" in thickness. We agree with the examiner's reasoning here and we feel that correction of "bristles" to --tufts-- is appropriate and is not new matter.

Furthermore we note the examiner's concerns on page 3 of the action indicating that the spacing of the lines is difficult to read. We had previously submitted a sub spec 7/21/04 in response to notice to correct. Is this not sufficient?

Remarks on rejection:

In the claims, we cancel claims 1-2 and have submitted a new set of claims 3-4 on a new sheet, which is double spaced. The claims are novel and non obvious over the prior art for the foregoing reasons:

None of the prior art shows the use of a male and female interlocking members to join the individual sections of the brush as well as an intermediate section containing a third set of bristles. The use of a third section with an additional line of tufts can add additional strength to the brush as well as additional brushing power supplied by the third set of tufts.

The use of a third section that can be joined to the interlocking halves provides an additional strengthening member that can be stored separately from the interlocking sections of the invention. There is no teaching or suggestion in the prior art that a third member having a single line of tufts can be added to such an invention; and by making it entirely detachable, this third member can be stored with a minimum of storage space. Thus, a third toothbrush section, entirely detachable from the first two, can provide a sturdy brush of 3 tufts in width and still allow the entire invention to be stored within a space no wider than that of a single tuft. Because the two halves can fold into the flat position, this section can be stored within a width of one tuft or so, and because the third section is entirely detachable, this section can also be stored entirely separate from the two halves.

Thus a detachable toothbrush of three or more tufts in width can be stored in a space of width no longer than one tuft. None of the other prior art teaches or suggests such a space saving concept in tooth brushes.

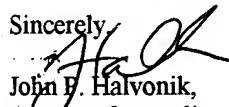
The patent to Kihara D322893; does not teach the use of a third section that is separate from the two half sections. This invention could be stored in a space of narrow width but the third (and fourth) sections cannot be detached from the two halves. Thus the invention is limited in terms of how much lateral width (as opposed to thickness) it will take up upon storage. Because the applicant's invention has at least one section that can be detached entirely from the folding halves, it does not take up a lateral width of four panels like that of Kihara. See fig. 2 of Kihara showing the lateral width of four panels that is necessary to store this invention flat.

Because the applicant uses male/female interlocking portions, his third (and possibly more) section can be stored separate from the folding halves and thus use less lateral width than that shown in the prior art. There is no teaching or suggestion in Kihara to use male/female interlocking portions, that prior art patent being a design patent is limited to what can be shown in the drawings and further teachings cannot be read into it.

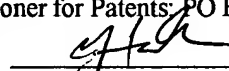
Foley, '887 does not show the use of a third member that can be interconnected to the two pivoting halves. The remaining prior art Erkers, Wolfe, etc. do not teach the use of a separate third (or fourth) member; nor do they show the use of interlocking male and female portions.

For this reason the claims as amended are novel and non obvious and we pray that letters patent be granted.

Sincerely,


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CERTIFICATE OF MAILING

I certify that the foregoing: AMENDMENT AND CLAIM SHEET are being mailed by first class mail to:
Commissioner for Patents, PO Box 1450; Alexandria VA. 22313-1450 on this 3rd day of August,
2005. By:  John P. Halvonik, attorney.